

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 23, 2005

AMENDED IN SENATE MAY 18, 2005

AMENDED IN SENATE APRIL 25, 2005

SENATE BILL

No. 57

Introduced by Senator Alarcon

(Coauthor: Senator Soto)

(Coauthors: Assembly Members Cohn, Dymally, Koretz, and Levine)

January 12, 2005

An act to add Section 76000.5 to the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to county penalties.

LEGISLATIVE COUNSEL'S DIGEST

SB 57, as amended, Alarcon. Fines and forfeitures.

Existing law establishes an additional penalty to be assessed by each county on fines, penalties, and forfeitures imposed for criminal offenses and parking penalties, to be used for local courthouse construction, criminal justice facilities construction, automatic fingerprint identification funding, forensic laboratory funding, emergency medical services funding, and DNA identification funding, as specified for each county.

This bill would provide that a county board of supervisors may elect to levy an additional penalty in the amount of \$2 for every \$10, upon fines, penalties, and forfeitures collected for criminal offenses, as specified. ~~This bill would also provide that, in addition, a county board of supervisors may levy a penalty in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for violations of~~

~~law related to seatbelt use, speed limits, driving under the influence, and domestic violence.~~ This bill would require 15% of the funds collected pursuant to these provisions to be expended for pediatric trauma centers and would require use of these funds, not to exceed 10%, for administrative costs.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76000.5 is added to the Government
2 Code, to read:

3 76000.5. (a) For purposes of supporting emergency medical
4 services pursuant to Chapter 2.5 (commencing with Section
5 1797.98a) of Division 2.5 of the Health and Safety Code, in
6 addition to the penalties set forth in Section 76000, the county
7 board of supervisors may elect to levy an additional penalty of
8 two dollars (\$2) for every ten dollars (\$10) or fraction thereof,
9 which shall be collected together with and in the same manner as
10 the amounts established by Section 1464 of the Penal Code, upon
11 every fine, penalty, or forfeiture imposed and collected by the
12 courts for criminal offenses, including violations of Division 9
13 (commencing with Section 23000) of the Business and
14 Professions Code relating to the control of alcoholic beverages,
15 and all offenses involving a violation of the Vehicle Code or any
16 local ordinance adopted pursuant to the Vehicle Code, except
17 parking offenses subject to Article 3 (commencing with Section
18 40200) of Chapter 1 of Division 17 of the Vehicle Code.

19 (b) Money collected pursuant to subdivision (a) shall be taken
20 from fines and forfeitures deposited with the county treasurer
21 prior to any division pursuant to Section 1463 of the Penal Code.

22 ~~(c) In addition to the penalties set forth in subdivision (a), the~~
23 ~~county board of supervisors, by resolution, may elect to levy an~~
24 ~~additional penalty of two dollars (\$2) for every ten dollars (\$10)~~
25 ~~or fraction thereof, which shall be collected together with and in~~
26 ~~the same manner as the amounts established by Section 1464 of~~
27 ~~the Penal Code, upon every fine, penalty, or forfeiture imposed~~
28 ~~and collected by the courts for the offenses listed below:~~

29 ~~(1) A violation of Section 27315 of the Vehicle Code relating~~
30 ~~to seatbelt use.~~

1 ~~(2) A violation of Chapter 7 (commencing with Section~~
2 ~~22348) of Division 11 of the Vehicle Code, relating to speed~~
3 ~~limits.~~

4 ~~(3) A violation of Section 23152 or 23153, relating to driving~~
5 ~~under the influence of alcohol or a controlled substance, or a~~
6 ~~violation of Section 23103, as specified in Section 23103.5,~~
7 ~~relating to alcohol-related reckless driving.~~

8 ~~(4) A crime of domestic violence as defined in subdivisions (a)~~
9 ~~and (b) of Section 13700 of the Penal Code or Section 6211 of~~
10 ~~the Family Code.~~

11 ~~(d)~~

12 (c) Funds collected pursuant to this section shall be deposited
13 into the Maddy Emergency Medical Services (EMS) Fund
14 established pursuant to Section 1797.98a of the Health and
15 Safety Code.

16 SEC. 2. Section 1797.98a of the Health and Safety Code is
17 amended to read:

18 1797.98a. (a) The fund provided for in this chapter shall be
19 known as the Maddy Emergency Medical Services (EMS) Fund.

20 (b) (1) Each county may establish an emergency medical
21 services fund, upon adoption of a resolution by the board of
22 supervisors. The moneys in the fund shall be available for the
23 reimbursements required by this chapter. The fund shall be
24 administered by each county, except that a county electing to
25 have the state administer its medically indigent services program
26 may also elect to have its emergency medical services fund
27 administered by the state.

28 (2) Costs of administering the fund shall be reimbursed by the
29 fund, up to 10 percent of the amount of the fund.

30 (3) All interest earned on moneys in the fund shall be
31 deposited in the fund for disbursement as specified in this
32 section.

33 (4) Each administering agency may maintain a reserve of up to
34 15 percent of the amount in the portions of the fund reimbursable
35 to physicians and surgeons, pursuant to subparagraph (A) of, and
36 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each
37 administering agency may maintain a reserve of any amount in
38 the portion of the fund that is distributed for other emergency
39 medical services purposes as determined by each county,
40 pursuant to subparagraph (C) of paragraph (5).

(5) The amount in the fund, reduced by the amount for administration and the reserve, shall be utilized to reimburse physicians and surgeons and hospitals for patients who do not make payment for emergency medical services and for other emergency medical services purposes as determined by each county according to the following schedule:

(A) Fifty-eight percent of the balance of the fund shall be distributed to physicians and surgeons for emergency services provided by all physicians and surgeons, except those physicians and surgeons employed by county hospitals, in general acute care hospitals that provide basic or comprehensive emergency services up to the time the patient is stabilized.

(B) Twenty-five percent of the fund shall be distributed only to hospitals providing disproportionate trauma and emergency medical care services.

(C) Seventeen percent of the fund shall be distributed for other emergency medical services purposes as determined by each county, including, but not limited to, the funding of regional poison control centers. Funding may be used for purchasing equipment and for capital projects only to the extent that these expenditures support the provision of emergency services and are consistent with the intent of this chapter.

(c) The source of the moneys in the fund shall be the penalty assessment made for this purpose, as provided in Section 76000 of the Government Code.

(d) Any physician and surgeon may be reimbursed for up to 50 percent of the amount claimed pursuant to subdivision (a) of Section 1797.98c for the initial cycle of reimbursements made by the administering agency in a given year, pursuant to Section 1797.98e. All funds remaining at the end of the fiscal year in excess of any reserve held and rolled over to the next year pursuant to paragraph (4) of subdivision (b) shall be distributed proportionally, based on the dollar amount of claims submitted and paid to all physicians and surgeons who submitted qualifying claims during that year.

(e) Of the money deposited into the fund pursuant to Section 76000.5 of the Government Code 15 percent shall be utilized to provide funding for pediatric trauma centers. Expenditure of money shall be limited to reimbursement to physicians and surgeons, and hospitals for patients who do not make payment

1 for services, or for expanding the services provided at pediatric
2 trauma centers, including the purchase of equipment. Counties
3 that do not maintain a pediatric trauma center shall utilize the
4 money deposited into the fund pursuant to Section 76000.5 of the
5 Government Code as set forth in subdivision (b). Funds spent for
6 the purposes of this section, shall be known as the Pediatric Care
7 Allocation.

8 (f) Costs of administering money deposited into the fund
9 pursuant to Section 76000.5 of the Government Code shall be
10 reimbursed from the money collected, not to exceed 10 percent.

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